



PLANNING COMMISSION AGENDA

Wednesday, December 2, 2015

Regular & General Plan Hearing

Commencing at 6:30 p.m.

Council Chambers

First Floor, City Hall Wing
200 East Santa Clara Street
San Jose, California

Dori Yob, Chair

Ed Abelite, Vice Chair

Shiloh Ballard

Edesa Bit-Badal

Brian O'Halloran

Nick Pham

Michelle Yesney

Harry Freitas, Director

Planning, Building & Code Enforcement

NOTE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Support Staff at 408-535-5695 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

SUMMARY OF HEARING PROCEDURES

If you want to address the Commission, please fill out a speaker card located on the table near the Audio Visual Technician and deposit the completed card in the basket. There are also speaker cards in the back of the Chambers and at the side entrance.

The procedure for this hearing is as follows:

- After the staff report, applicants, and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes. Speakers using a translator will have four minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. Response to Commissioner questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezonings, prezonings, General Plan Amendments and Code Amendments is only advisory to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permits is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

AGENDA

ORDER OF BUSINESS

WELCOME

Welcome to the Planning Commission Meeting. Please remember to turn off your cell phones. The parking validation machine for the garage under City Hall is located at the rear of the Chambers.

SALUTE TO THE FLAG

ROLL CALL

SUMMARY OF HEARING PROCEDURES

1. PUBLIC COMMENT

Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- Responding to statements made or questions posed by members of the public; or
- Requesting staff to report back on a matter at a subsequent meeting; or
- Directing staff to place the item on a future agenda.

2. DEFERRALS AND REMOVALS FROM CALENDAR

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

No Items

3. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. [CP15-008 & ABC15-003](#). Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of a full range of alcohol at an approximately 1,147 square foot existing grocery store (T&L Market) on an approximately 0.14 gross acre site in the CN Neighborhood Commercial Zoning District located on the northeast corner of North 10th Street and East Julian Street (451 East Julian Street). (Joe Amarlou, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. **PROJECT MANAGER, DAVID FONG**

Staff Recommendation:

1. Consider the Exemption in accordance with CEQA.
2. Recommend to the City Council the approval of a Conditional Use Permit Resolution and Determination of Public Convenience or Necessity as described above.

- b. [CP15-064 \(Administrative Hearing\)](#). Conditional Use Permit to allow a drinking establishment and late-night use until 2:00 a.m. on an approximately 0.21 gross acre site in the DC Downtown Primary Commercial Zoning District located on the north side of West Santa Clara Street approximately 100 feet east of North Almaden Avenue (169 West Santa Clara Street) (The Farmers Union, Tom McEnery, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. **PROJECT MANAGER, ELIZABETH SCHULLER**

Staff Recommendation:

1. Consider the Exemption in accordance with CEQA.
2. Approve a Conditional Use Permit Resolution as described above.

- c. [CP15-068 \(Administrative Hearing\)](#). Conditional Use Permit to allow the installation of a utility structure and a generator on a 0.97 gross acre site in the R-1-8 Single-Family Residence Zoning District located at the northern corner of Glenbury Way and Thornwood Drive (City of San Jose, Owner). Council District 10. CEQA: Determination of Consistency with Mitigated Negative Declaration for Google Fiber. **PROJECT MANAGER, ROSCOE MATA**

Staff Recommendation:

1. Consider the Mitigated Negative Declaration for Google Fiber, in accordance with CEQA.
2. Approve a Conditional Use Permit Resolution as described above.

- d. [CP15-069 \(Administrative Hearing\)](#). Conditional Use Permit to allow the installation of a utility structure and a generator and the removal of two (2) ordinance-sized trees on a 0.43 gross acre site in the R-2 Two-Family Residence and CP Commercial Pedestrian Zoning Districts located at the southeast corner of Bird Avenue and Virginia Street (646 Bird Avenue) (City of San Jose, Owner). Council District 3. CEQA: Determination of Consistency with Mitigated Negative Declaration for Google Fiber. **PROJECT MANAGER, ROSCOE MATA**

Staff Recommendation:

1. Consider the Mitigated Negative Declaration for Google Fiber, in accordance with CEQA.
2. Approve a Conditional Use Permit Resolution as described above.

- e. **CP15-070 (Administrative Hearing).** Conditional Use Permit to allow a dental office in an existing 3,103-square foot industrial condominium office building in the IP Industrial Park Zoning District on a 7.4-gross acre site, located at 6020 Hellyer Ave, Units 100 and 125 (Sai LLC, Owner). Council District: 2. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. ***PROJECT MANAGER, JENNIFER PIOZET***

Staff Recommendation:

1. Consider the Exemption in accordance with CEQA.
2. Approve a Conditional Use Permit Resolution as described above.

- f. **CPA13-068-01 (Administrative Hearing).** Conditional Use Permit Amendment to allow a poolroom at an existing late-night commercial indoor recreation facility, amusement arcade, and public eating and drinking establishment (Round One) within an existing shopping mall (Eastridge) on a 64.97-gross acre site in the CG Commercial General Zoning District, located 420 feet northwesterly of the intersection of Eastridge Loop and Eastridge Boulevard (2200 Eastridge Loop) (Eastridge Shopping Center LLC, Owner). Council District 8. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. ***PROJECT MANAGER, REBECCA BUSTOS***

Staff Recommendation:

1. Consider the Exemption in accordance with CEQA.
2. Approve a Conditional Use Permit Amendment Resolution as described above.

- g. **PDC14-038.** Planned Development Rezoning from the A Agricultural Zoning District to the A(PD) Planned Development Zoning District to allow four residential units (two attached units and two detached units) on an approximately 0.29 gross acre site, located at 1707 Ringwood Avenue (JWC Investments, Inc., Owner). Council District: 4. CEQA: Mitigated Negative Declaration for 1707 Ringwood Avenue. *Deferred from 11/4/15.* ***PROJECT MANAGER, LEA SIMVOULAKIS***

Staff Recommendation:

1. Consider and recommend adoption to the City Council of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in accordance with CEQA.
2. Recommend to the City Council the approval of a Planned Development Rezoning as described above.

4. PUBLIC HEARING

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. **PD15-025 (Administrative Hearing).** APPEAL of the Planning Director's Decision to approve a Planned Development Permit to allow the installation of an 84-foot tall freeway sign with a total 488-square foot sign area, 237 square feet of which is programmable electronic sign, located in the Almaden Ranch Retail Center on a 44.3-gross acre site, in the A(PD) Planned Development Zoning District, located on the southeast corner of Almaden Expressway and Chynoweth Avenue (14540 Almaden Road) (Almaden Ranch LLC, Owner). Council District 9. CEQA: Addendum to the Almaden Ranch EIR, Resolution No. 76168. *Continued from 11/4/15.* ***PROJECT MANAGER, REBECCA BUSTOS***

Staff Recommendation:

1. Consider the Addendum to the Almaden Ranch EIR, Resolution No. 76168, in accordance with CEQA.

2. Uphold the Planning Director's decision and approve a Planned Development Permit Resolution as described above.

- b. **PDC14-040.** Planned Development Rezoning to rezone from R-M Residential Zoning District to the R-M (PD) Planned Development Zoning District to allow for the demolition of the existing 216 unit apartment complex and the development of up to 641 multi-family residential units and 8,000 square feet of commercial space on 7.68 gross acre site, located at the northwest corner of S. Winchester Boulevard and Williams Road (881 S. Winchester Boulevard.) (Reserve Reit Inc, Owner). Council District 1. CEQA: Environmental Impact Report for the Reserve Residential Project.

PROJECT MANAGER, LEILA HAKIMIZADEH

Staff Recommendation:

1. Consider and recommend certification of the Environmental Impact Report and recommend adoption of a Mitigation Monitoring and Reporting Program in accordance with CEQA.
2. Recommend to the City Council the approval of a Planned Development Rezoning as described above.

- c. **An Ordinance of the City of San Jose** amending Title 20 of the San José Municipal Code (the Zoning Ordinance) to amend: Section 20.30.100 of Chapter 20.30 (Residential Zoning Districts) to expand the number of hours and range of sites with public/quasi-public uses on which Outdoor Vending of Fresh Fruits and Vegetables may be allowed as a Permitted Use (without an Administrative Permit); and Part 10 of Chapter 20.80 (Specific Use Regulations, Outdoor Vending Facilities) to lessen the restrictiveness of the specific criteria with which Outdoor Vending of Fresh Fruits and Vegetables and other products must comply as a Permitted Use (without an Administrative Permit); all to further implement the Design for a Healthful Community Major Strategy, the Vibrant Neighborhoods Goals and Policies, the Economic Development Goals and Policies, and the Land Use Goals and Policies set forth within the Envision San José 2040 General Plan and to make other technical, formatting or other nonsubstantive changes within Title 20. CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, and Addenda thereto; Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved program, and the Final Program EIR adequately describes the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIR. File Nos. PP13-024 and PP15-117.

PROJECT MANAGER, JENNY NUSBAUM

Staff Recommendation:

1. Consider the Envision San José 2040 General Plan EIR, Resolution No. 76041, and Addenda thereto; Pursuant to Section 15168 of the CEQA Guidelines, in accordance with CEQA.
2. Recommend to the City Council the approval of an Ordinance amending Title 20 of the San José Municipal Code as described above.

5. CONTINUE THE GENERAL PLAN AMENDMENTS HEARING

6. GENERAL PLAN PUBLIC HEARING

- a. [PP15-060 & GPT15-002](#). The review and adoption of a Draft Supplemental Program Environmental Impact Report (Draft Supplemental PEIR) to the Envision San José 2040 General Plan to provide additional analysis and information on greenhouse gas emissions to supplement the Envision San José 2040 General Plan Program EIR. The Draft Supplemental PEIR is intended to inform the decision makers and general public of the environmental effects of greenhouse gas emissions and global climate change associated with continued implementation of the Envision San José 2040 General Plan. The project also consists of text revisions to the Envision San José 2040 General Plan including, but not limited to, the update and re-adoption of the City's Greenhouse Gas Reduction Strategy. Council District: Citywide. CEQA: Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Program EIR (State Clearinghouse No. 2009072096) certified by the City of San José on November 1, 2011. **PROJECT MANAGER, JARED HART**

Staff Recommendation:

1. Consider the Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Program EIR (State Clearinghouse No. 2009072096) certified by the City of San José on November 1, 2011 in accordance with CEQA.
2. Recommend to the City Council the review and adoption of a Draft Supplemental Program Environmental Impact Report (Draft Supplemental PEIR) to the Envision San José 2040 General Plan as described above.
3. Recommend to the City Council the approval of the General Plan Text Amendment as described above.

7. CLOSE THE GENERAL PLAN AMENDMENTS HEARING

8. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

9. GOOD AND WELFARE

- a. Report from City Council
- b. Review and Approve Synopsis from [11-18-15](#)
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions
- e. [The Public Record](#)

ADJOURNMENT

2015 PLANNING COMMISSION MEETING SCHEDULE

<u>Date</u>	<u>Time</u>	<u>Type of Meeting</u>	<u>Location</u>
<i>January 14</i>	<i>5:00 p.m.</i>	<i>Study Session: BART/VT A Planning</i>	<i>T-332</i>
January 14	6:30 p.m.	Regular	Council Chambers
January 28	6:30 p.m.	Regular	Council Chambers
February 11	6:30 p.m.	Regular	Council Chambers
February 25	6:30 p.m.	Regular	Council Chambers
March 11	6:30 p.m.	Regular	Council Chambers
March 25	6:30 p.m.	Regular	Council Chambers
April 8	6:30 p.m.	Regular	Council Chambers
April 22	6:30 p.m.	Regular	Council Chambers
<i>May 6</i>	<i>5:00 p.m.</i>	<i>Capital Improvement Program</i>	<i>Council Chambers</i>
May 6	6:30 p.m.	Regular	Council Chambers
<i>May 13</i>	<i>5:00 p.m.</i>	<i>Study Session: Noise Studies</i>	<i>T-332</i>
May 13	6:30 p.m.	Regular	Council Chambers
May 20	6:30 p.m.	Regular	Council Chambers
<i>June 10</i>	<i>5:00 p.m.</i>	<i>Study Session:</i>	<i>T-332</i>
		<i>Employment Land Conversions in San Jose</i>	
June 10	6:30 p.m.	Regular	Council Chambers
<i>June 24</i>	<i>5:00 p.m.</i>	<i>Study Session:</i>	<i>T-332</i>
		<i>Employment Land Conversions in San Jose (continued from 6/10/15)</i>	
June 24	6:30 p.m.	Regular	Council Chambers
July 8	6:30 p.m.	Regular	Council Chambers
July 22	6:30 p.m.	Regular	Council Chambers
August 12	6:30 p.m.	Regular	Council Chambers
August 26	6:30 p.m.	Regular	Council Chambers
September 9	6:30 p.m.	Regular	Council Chambers
<i>September 18</i>	<i>8:30 a.m.</i>	<i>Planning Commission Retreat</i>	<i>T-664</i>
September 23	6:30 p.m.	Regular	Council Chambers
October 7	6:30 p.m.	Regular	Council Chambers
October 21	6:30 p.m.	Regular and General Plan	Council Chambers
<i>November 4</i>	<i>5:00 p.m.</i>	<i>Study Session:</i>	<i>T-332</i>
		<i>General Plan Annual Review Report</i>	
November 4	6:30 p.m.	Regular and General Plan	Council Chambers
November 18	6:30 p.m.	Regular	Council Chambers
December 2	6:30 p.m.	Regular and General Plan	Council Chambers
December 9	6:30 p.m.	Regular	Council Chambers

ABOUT THE PLANNING COMMISSION

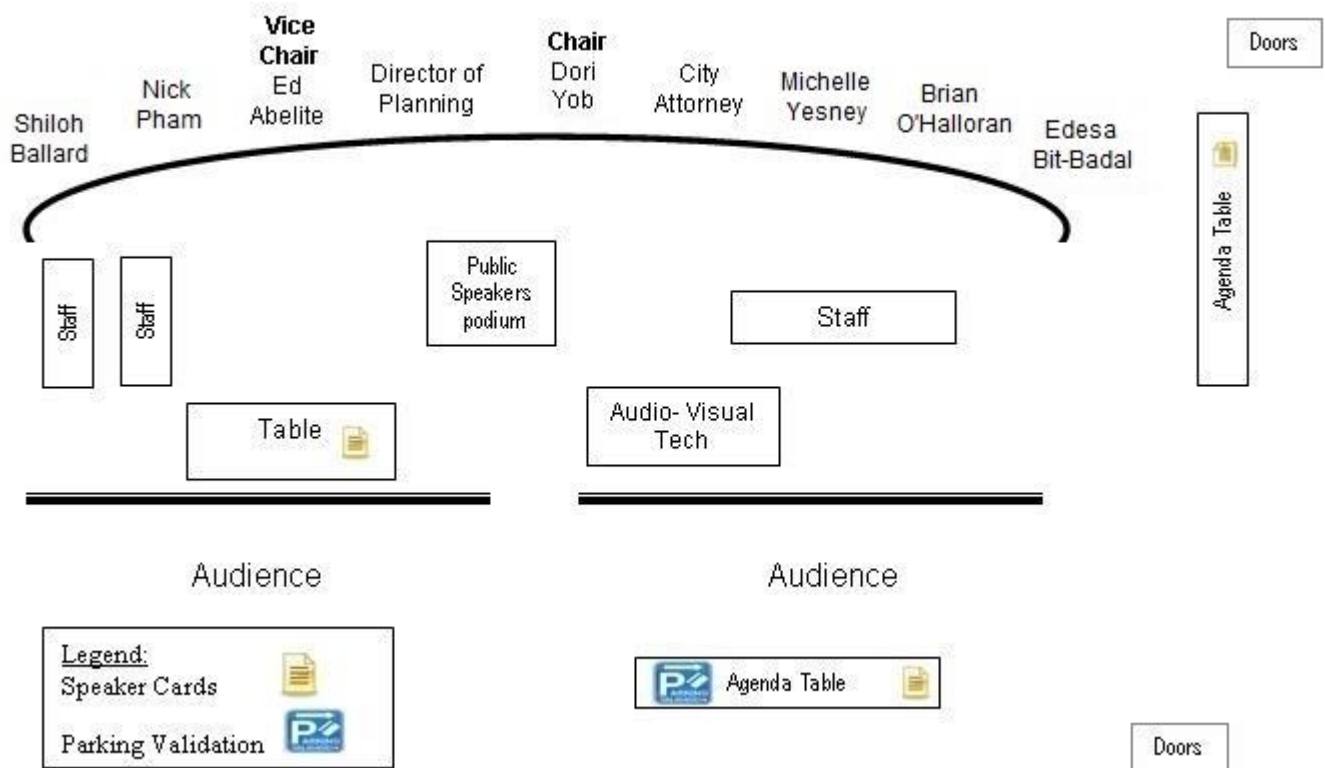
The Planning Commission is a seven-member body, appointed by the City Council, which performs two types of actions:

- One type is “Quasi-Legislative” in nature in which the Planning Commission makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, Zoning Code provisions, or regulations related to the land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs.
- The second type of action is “Quasi-Judicial” in nature in which the Planning Commission applies previously adopted legislation to particular applications and acts as a decision-making or appellate body. Examples of these types of actions include Commission decisions on Conditional Use Permits, appeals of the Planning Director’s decisions on certain land use permits, and the certification of Environmental Impact Reports.

A notation of “Administrative Hearing” for an agenda item indicates that the item is a Quasi-Judicial action of the Commission in order to assist the public in understanding the role of the Planning Commission on a particular item.

To effectively manage the Planning Commission Agenda, and to be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine to proceed with remaining agendized items past 11:00 p.m., or to continue this hearing to a later date, or to defer remaining items to the next regularly scheduled Planning Commission meeting date. The decision on how to proceed will be heard by the Planning Commission no later than 11:00 p.m.

Seating Chart within the City Council Chambers:



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?nid=1764>

The City of San Jose is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed on-line at
<http://www.sanjoseca.gov/DocumentCenter/View/3818>

All public records relating to an open session item on this agenda, which are not exempt from disclosure, pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

Planning Commission hearings are video recorded and broadcasted live. To view the live broadcast or past hearing recordings go to the Internet website: <http://www.sanjoseca.gov/index.aspx?nid=3431>

If you have any agenda questions, please contact Support Staff at (408) 535-3505 or email. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

FREQUENTLY USED ABBREVIATIONS

CEQA	California Environmental Quality Act
CP	Conditional Use Permit
DA	Development Agreement
PD	Planned Development Permit
PDC	Planned Development Zoning

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior, which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners, or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.